

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARTHA BERNDT, et al.,

Plaintiffs,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

NO. C03-3174 TEH

ORDER RE: DEFENDANT
DWIGHT WINSLOW

It has come to the Court's attention that one of the named defendants in this case, Dwight Winslow, now serves as Statewide Medical Director under the supervision of the Receiver appointed by this Court in *Plata v. Schwarzenegger*, Case No. C01-1351 TEH.¹ The Court is satisfied that Dr. Winslow's current employment has played and will play no role in any decisions in this case, but it raises the issue with the parties out of an abundance of caution. Any objections to or concerns with this Court's continuing to preside over this case shall be filed on or before **January 8, 2010**. Failure to file any timely objections or concerns will be deemed as consent for this Court to continue to preside over this case.

In addition, it appears that the only claims in the fourth amended complaint against Dr. Winslow were asserted by Plaintiff Judy Longo, who is now deceased. Plaintiffs shall inform the Court, also on or before **January 8, 2010**, of their intent to proceed with or

¹Plaintiffs' second amended notice of motion and motion for class certification, filed on December 18, 2009, refers to Dr. Winslow as a "Former Defendant." Mot. at 13 (citing Longo Decl. ¶ 15). However, Dr. Winslow has not been terminated as a party.

1 dismiss Plaintiff Longo's individual claims.² Such information will be considered by the
2 Court in analyzing any objections or concerns filed pursuant to the preceding paragraph.

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4 **IT IS SO ORDERED.**

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6 Dated: 12/22/09



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT

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²Plaintiffs' response to this order may, but need not, be a motion for substitution, as contemplated by Federal Rule of Civil Procedure 25(a)(1).